

REMARKS

Claims 52 and 84 have been amended to include additional primer sequences originally disclosed and described in the specification. For example, support for the amendments can be found in paragraphs [0034] and [0038]. No new matter is believed to have been introduced.

The Restriction Requirement mailed May 5, 2006, alleges that the above-identified application contains six-(6) distinct invention as follows:

I. Claims 1-27 drawn to a panel of polynucleotide biomarkers as the claims read on one combination of polynucleotides selected from SEQ ID NOs: 1-22, classified in class 536, subclass 23.1;

II. Claims 28-48, drawn to a panel of polypeptide biomarkers as the claims read on one combination of polypeptides selected from SEQ ID NO:23-44, classified in class 530, subclass 350;

III. Claims 49-64, drawn to a method for measuring expression levels of polynucleotide biomarkers as the claims read on one combination of polynucleotides selected from SEQ ID NOs: 1-22 and as the claims read on one combination of primer sets selected from SEQ ID NOs: 45-50, classified in class 435, subclass 6;

IV. Claims 65-78, drawn to a method for measuring expression levels of polypeptide biomarkers as the claims read on one combination of polypeptides selected from SEQ ID NOs: 23-44, classified in class 435, subclass 7.1;

V. Claims 79-88, drawn to a kit comprising a reagent used in the analysis of polynucleotide expression levels of one combination of polynucleotides selected from SEQ ID NOs: 1-22 and wherein the reagent comprises one combination of primer set selected from SEQ ID NOs: 45-50 classified 536, subclass 23.1; and

VI. Claims 89-95, drawn to a kit comprising a reagent used in the analysis of polypeptide expression levels of one combination of polypeptides selected from SEQ ID NOs: 23-44, classified in class 530, subclass 350.

ELECTION WITH TRAVERSE

To be fully responsive to the Restriction Requirement mailed May 5, 2006, Applicants elect Group III (claims 49-64). Applicants further elect the combination of biomarkers comprising SEQ ID NOs: 1, 2, 5, 15, and 16 (IL-8, COX-2, SAA1, PPAR-alpha and PPAR-gamma, respectively) and corresponding oligonucleotide primers comprising SEQ ID NOs: 45, 46 (corresponding to SEQ ID NO:1), 47, 48 (corresponding to SEQ ID NO:2), 53, 54 (corresponding to SEQ ID NO:5), 73, 74 (corresponding to SEQ ID NO:15) 75, 76 (corresponding to SEQ ID NO:16). This election is made with traverse.

Applicants respectfully request the Examiner to reconsider the restriction of claims 49-64 (group III) and 79-88 (group V) into separate groups. Applicants submit that the kits of Group V are kits that include the compositions of claims 49-64 which will be searched. By separating the subject matter of groups III and V into two different applications the USPTO runs the risk of burdening the Examining Corps with unnecessary examination. Furthermore, dividing the subject matter would lead to inaccurate searches.

Applicants further elects SEQ ID NOs: 1, 2, 5, 15, and 16 (IL-8, COX-2, SAA1, PPAR-alpha and PPAR-gamma, respectively) and corresponding oligonucleotide primers comprising SEQ ID NOs: 45, 46 (corresponding to SEQ ID NO:1), 47, 48 (corresponding to SEQ ID NO:2), 53, 54 (corresponding to SEQ ID NO:5), 73, 74 (corresponding to SEQ ID NO:15) 75, 76 (corresponding to SEQ ID NO:16) as it

relates to Group V should the Examiner rejoin the subject matter of Group V in the pending application. In doing so, the Applicants reduce the burden on the Examiner in searching these two groups as the same sequences will be searched in both sets of claims.

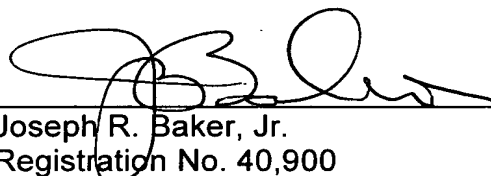
A one-month petition for extension of time and required fee accompany this response. No other fee is believed to be due with respect to the filing of the present response. However, the Commissioner is authorized to charge, or credit, Deposit Account No. 02-4800 for any required fee or credit, respectively.

Respectfully submitted,

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By: _____


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